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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
2684	13

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,939

Applicant(s)

BHATIA ET AL.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17, 19-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 19-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-12, 14, 16, 19-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Calvert (U.S. Patent No. 6,526,275).

Regarding to claim 11, Calvert teaches a method for sending real-time information to a Business-to-Business (B2B) engine (see figs. 1-3) the real-time information being related to a mobile telecommunications device within a telecommunications system, the method comprising the steps of- gathering by the mobile telecommunications device; the realtime information wherein the step of gathering the realtime information occurs upon occurrence of an event (see figs. 1-3, and col. 7, line 57-col. 8, line 22) forwarding, after the step of gathering on real-time information to B2B engine (see figs. 1-3, and col. 7, line 57-col. 8, line 22) and receiving a service unsolicited by the mobile telecommunication device from the B2B engine based on real-time information (see col. 10, 51-61).

Regarding to claim 22, Calvert teaches the system for facilitating information inter-exchange between a telecommunications network and an information service provider (see fig.

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1) the system comprising: the mobile telecommunications device is transmitting a real-time information and further includes a memory card (see fig. 2, memory 207); a Business-to-Business (B2B) engine in communication with the mobile telecommunications device (see figs. 1-3 and col. 7, line 57-col. 8, line 22), the B2B engine receiving the real-time information and the B2B engine providing the real-time information to the information service provider (see figs. 1-5, col. 3, lines 17-39), in response to the receipt of the real-time information, providing a service to the mobile telecommunications device (see figs. 1-5, and col. 3, lines 38-45).

Regarding to claim 12, Calvert teaches the constructing from a plurality of the real-time information gathered during the gathering step, and forwarded a message to the B2B engine in the forwarding step (see col. 6, lines 15-19 and col. 7, line 57-col. 8, line 22).

Regarding to claim 14, Calvert teaches the receiving a triggering event that initiates the gathering of the real-time information (see col. 11, line 61-col. 12, line 7).

Regarding to claim 16, Calvert teaches an application unit within the telecommunications device performs the gathering of the real-time information (see col. 12, lines 45-59).

Regarding to claim 19, Calvert teaches the event is selected from the group consisting of: a power on/off update, a location area change update, and a periodic update (see col. 12, lines 25-44).

Regarding to claims 20 and 25, Calvert teaches wherein the real-time information indicates the location of the wireless communications device within the mobile telecommunications network (see fig. 1, col. 10, lines 51-61).

Regarding to claims 21 and 26, Calvert teaches the mobile telecommunications device is selected from the group consisting of: a mobile station, a personal data assistant (PDA) device, and a wireless computing device (see fig. 1, col. 4, lines 34-46).

Regarding to claim 23, Calvert teaches the real-time information is transmitted by the mobile telecommunications device and upon occurrence of an event (see col. 17, lines 23-34).

Regarding to claim 24, Calvert teaches the event is selected from the group consisting of: a power on/off update, a location area change update, and a periodic update (see col. 12, lines 25-44).

Regarding to claim 28, Calvert teaches the mobile telecommunications device further comprises an application unit (see fig. 2, items 205 and 207), the application unit gathering the real-time information and constructing the real-time information gathered into a message that is transmitted to the B2B engine (see fig. 4, col. 15, lines 15-31).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Proust (U.S. Patent No. 6,216,014) in view of Calvert (U.S. Patent No. 6,526,275).

Regarding to claim 1, Proust teaches a telecommunications system in communication with a Business-to-Business (B2B) engine (see fig. 1), the mobile telecommunications device comprising: a SIM card (see fig. 1, of the SIM card 5); an application unit in communication with SIM card (see col. 2, lines 31-55), the application unit gathering real-time information related to the mobile telecommunications device; and the application unit is forwarding the real-time information to the B2B engine (see figs. 4-5, col. 12, lines 39-45 and col. 13, line 66-col. 14, line 20). But Proust fails to teach for the receiving a service unsolicited by the mobile telecommunications device from B2B engine base on the real time information.

However, Calvert teaches the receiving a service unsolicited by the mobile telecommunications device from B2B engine base on the real time information (see fig. 1, col. 10, 51-61).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify the Proust system and by providing of the teaching of Calvert with in the real-time location and cellular network want to target a certain group of mobile

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subscriber who pass by the store thereto in order to provide user with the update information on advertises and convenience on real-time Consumer.

Regarding to claim 2, Proust teaches the mobile telecommunications device is initiating upon occurrence of an event, communication with the SIM card (see col. 10, lines 30-44).

Regarding to claim 3, Calvert teaches the event is selected from the group consisting of: a power on/off update, a location area change update, and a periodic update (see col. 12, lines 25-44).

Regarding to claim 4, the mobile telecommunications device wherein the SIM card is a proactive SIM card. This is obvious with any SIM card and the SIM card can store data information and can retrieve the data, so that can be the proactive SIM card.

Regarding to claim 5, Calvert teaches the forwarding the extracted data fetching the real-time information from the application unit (see fig. 5, item 503).

Regarding to claim 6, Calvert teaches for triggering the application unit to construct a message containing the gathered real-time information (see col. 10, lines 33-41).

Regarding to claim 7, Proust teaches the application unit gathers the real-time information from the SIM card (see col. 10, lines 54-67).

Regarding to claim 8, Calvert teaches the mobile telecommunications device is selected from the group consisting of: a mobile station, a personal data assistant (PDA) device, and a wireless computing device (see col. 4, lines 34-48).

Regarding to claim 9, Proust teaches the application unit resides on the SIM card (see fig. 1, items 6-9).

Regarding to claim 10, Proust teaches the forwarding is in communication with the SIM card, the SIM card receiving the gathered information from the application unit and supplying the real-time information to the forwarding (see fig. 5, col. 2, lines 31-67).

6. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calvert (U.S. Patent No. 6,526,275) in view of Proust (U.S. Patent No. 6,216,014)

Regarding to claim 13, Calvert teaches wherein the message is data message (see col. 10, lines 33-37). But Calvert fails to teach the message is short message (SMS).

However, Proust teaches the message is short message (SMS) (see col. 1, lines 62-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Calvert system and by providing of the teaching of Proust on the

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SMS message thereto in order to provide user receives a short message, it is stores it in the data storage of its SIM module.

Regarding to claim 17, Calvert fails to teach a SIM card. However, Mills teaches the step of forwarding the real-time information is performed by a transmitting unit, the transmitting unit being in communication with a SIM card, and the SIM card being in communication with the application unit (see fig. 3, and col. 6 lines 12-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Calvert system and by providing of the teaching of Mills on the SIM card technique thereto in order to provide user with SIM card to transfer information to the application unit.

Response to Arguments

6. Applicant's arguments with respect to claims 1-14, 16-17, 19-26 and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

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*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh

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March 25, 2004


NICK CORSARO
PATENT EXAMINER